

REMARKS

Claims 1-53 were originally presented for consideration in this application. Claims 1, 2, 6-9, 29, 30, 37-41, 44, 46, 49, 52 and 53 are presently being considered, the remaining claims being withdrawn pursuant to a requirement for election of species.

The indication in the Office Action that claim 9 contains allowable subject matter is noted with appreciation.

The following rejections were set forth in the Office Action:

Claims 1, 2, 6-8, 29, 30, 37-41, 44, 46, 49, 52 and 53 stand rejected under 35 USC §103 as being obvious over U.S. Patent No. 6,491,314 to Smith et al. in view of U.S. Patent No. 5,741,027 to Stroh et al.

The applicants respectfully traverse each of these claim rejections. It is true that the Smith reference describes a suspension system which includes a beam pivotably connected to a hanger bracket and rigidly attached to an axle. It is also true that the Stroh reference describes an axle which may be made of a composite material. However, these references cannot be properly combined to meet all of the elements and limitations recited in the claims and show obviousness of the claims.

Independent claim 1 recites that a beam interconnected between a vehicle frame and an axle has a body made of a composite material, and a metal end connection at one of the ends of the beam. Neither the Smith reference nor the Stroh reference teaches how such an invention could be accomplished. Smith describes an entirely metal beam, and Stroh describes an entirely metal or entirely composite material axle. This clearly does not suggest to a person skilled in the art that a beam should be made of a

composite material body with a metal end connection. Instead, each of the references teaches that a beam or axle should be made of a single material.

Therefore, a *prima facie* case of obviousness has not been made with respect to claim 1. The examiner is respectfully requested to withdraw the rejections of claim 1 and its dependents.

Independent claim 29 recites that the beam is made of a composite material having a cross-section with at least two flanges and a web extending between the flanges. Neither the Smith reference nor the Stroh reference teaches the recited invention. Smith does teach a beam having an I-shaped cross-section, and Stroh does teach an axle made of composite material, but neither of these references teaches how a beam with a frame end connection and an axle end connection could be made of composite material.

It will be appreciated that certain technical difficulties are presented when faced with the problem of providing such high stress end connections on a beam made of a composite material. Stroh does not describe how to do this, since the axle of Stroh does not have a frame end connection or an axle end connection. Smith does not describe how to do this, since the beam of Smith is made completely of metal and does not solve the problem of how to provide such high stress pivoting end connections for a beam made of a composite material.

The present inventors have complied with the requirements of disclosing to the public how to make and use the invention, which is not described in either of the Smith and Stroh references, and the inventors are entitled to claim the invention in this application. A *prima facie* case of obviousness is not made out by the proposed combination of the Smith and Stroh references. Therefore, the examiner is respectfully requested to withdraw the rejections of claim 29 and its dependents.

In view of the foregoing remarks, all of the claims pending and being considered in this application are now seen to be in a condition for allowance. A Notice of

Allowance of at least claims 1, 2, 6-9, 29, 30, 37-41, 44, 46, 49, 52 and 53 is therefore earnestly solicited. In addition, all of the claims dependent from these claims, but formerly restricted out of the present application, should also be allowed.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on Nov. 21, 2005
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